

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1032

Introduced by Assembly Member Gordon

February 22, 2013

An act to add Section 47614.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1032, as amended, Gordon. Charter schools: facilities.

Existing law, the Smaller Classes, Safer Schools, and Financial Accountability Act, requires that each school district make available to each charter school operating in the school district facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Existing law provides that it is the intent of the people that public school facilities should be shared fairly among all public school pupils, including those in charter schools. Existing law authorizes a school district to charge a charter school a pro rata share of the school district facilities costs that the school district pays for with unrestricted general fund revenues.

This bill would require a school district to give the same degree of consideration to pupils attending schools operated by the school district as pupils attending charter schools, for purposes of determining appropriate facilities to offer to eligible charter schools. The bill would require the school district to consider certain things when allocating

reasonably equivalent facilities to charter schools, including the impact of the facilities offer on ~~students~~ *pupils* attending schools operated by the school district and the in-district students attending, or proposed to attend, the charter school, as provided. The bill would state that a school district is not required to provide additional facilities to a charter school if the charter school owns or leases facilities that are able to accommodate in-district students in conditions reasonably equivalent to those in which the in-district students would be accommodated if they were attending public schools of the district, as provided. By imposing new requirements on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47614.1 is added to the Education Code,
- 2 to read:
- 3 47614.1. (a) Pursuant to Section 47614, in exercising its
- 4 discretion in determining appropriate facilities to offer to eligible
- 5 charter schools operating within a school district, a school district
- 6 shall give the same degree of consideration to pupils attending
- 7 schools operated by the school district as pupils attending charter
- 8 schools. To ensure that facilities are shared fairly among all public
- 9 school pupils, including those in charter schools, in allocating
- 10 reasonably equivalent facilities to charter schools operating within
- 11 the school district, a school district shall consider the following:
- 12 (1) The impact of the facilities offer on ~~students~~ *pupils* attending
- 13 schools operated by the school district and the in-district students
- 14 attending, or proposed to attend, the charter school. In considering
- 15 this impact, the school district shall do the following:
- 16 (A) Seek to minimize disruption to the educational program of
- 17 ~~students~~ *pupils* attending schools operated by the school district

1 and the in-district students attending, or proposed to attend, the
2 charter school.

3 (B) ~~Not displace students~~ *unnecessarily move pupils* attending
4 ~~district schools operated by the school district~~ from their current
5 schools ~~or unnecessarily disrupt their educational program.~~

6 (2) The useable space at the comparison school sites operated
7 by the school district as well as all useable space at facilities owned
8 or leased by the charter school when considering reasonably
9 equivalent facilities to be allocated to a charter school. For purposes
10 of determining conditions reasonably equivalent for the charter
11 school's in-district students, useable space shall not include space
12 that cannot be used for educational purposes due to safety concerns,
13 topography, lack of improvement, or other conditions. The school
14 district shall also exclude from its consideration space that is not
15 used by the school district for instructional purposes and space
16 that is used solely by private organizations to provide services with
17 nonschool district resources.

18 (b) A school district is not required to provide additional
19 facilities to a charter school if the charter school owns or leases
20 facilities for the year for which it seeks allocation of facilities and
21 the owned or leased facilities are able to accommodate in-district
22 students in conditions reasonably equivalent to those in which the
23 in-district students would be accommodated.

24 (c) In evaluating a facilities request or formulating a facilities
25 offer, arithmetical precision is not required. Instead, the school
26 district shall use reasonable good faith methods to evaluate a
27 facility request or formulate a facilities offer.

28 SEC. 2. The Legislature finds and declares that Section 1 of
29 this act does not change the scope or effect of, and furthers the
30 purposes of, the Smaller Classes, Safer Schools, and Financial
31 Accountability Act because it ensures that public school facilities
32 are shared fairly among all public school pupils.

33 SEC. 3. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

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